IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS
FILED
APR 26 2006
CHARLES R. FULBRUGE III
CLERK

No. 05-50508
USDC No. 6:05-CV-54
USDC No. 6:03-CR-5

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

FILED
MAY 08 2006
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

versus

WILLIAM LAWRENCE ANDERSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas

O R D E R:

William Lawrence Anderson, federal prisoner # 35571-180, seeks a certificate of appealability (COA) to appeal the district court's dismissal of his 28 U.S.C. § 2255 motion. Anderson filed his § 2255 motion to challenge his guilty-plea conviction and sentence for attempting to manufacture methamphetamine.

Anderson argues that his plea agreement was breached because he was sentenced based on conduct associated with an indictment that was to be dismissed pursuant to the plea agreement. He claims that his due process rights were violated by the application of a two-level enhancement under U.S.S.G. § 2D1.1(b)(5)(A). Anderson contends that his counsel was ineffective for failing to object to the enhancements recommended by the probation officer and for failing to object to the alleged violation of the plea agreement. He also claims that his sentence violates Apprendi v. New Jersey, 530 U.S. 466 (2000), Blakely v. Washington, 542 U.S. 296 (2004), and United States v. Booker, 543 U.S. 220 (2005), because facts used to enhance his sentence were not admitted by him or proven to a jury beyond a reasonable doubt.

To obtain a COA, Anderson must make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). This requires Anderson to "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2002).

Anderson has failed to make the showing required to obtain a COA. See id.; United States v. Gentry, 432 F.3d 600, 605-06 (5th Cir. 2005); United States v. Brown, 305 F.3d 304, 310 (5th Cir. 2002). Accordingly, his motion for a COA is DENIED. Gentry's motion to proceed in forma pauperis is likewise DENIED.

E. GRADY JOLLY
UNITED STATES CIRCUIT JUDGE

A True Copy
Clerk, U. S. Court of Appeals, Fifth Circuit
By ________ Deputy MAY 3 2006
New Orleans, Louisiana